

## REMARKS

In the first portion of these Remarks, the claim rejections are traversed. The reasons for traversing these rejections are mostly the same as the reasons presented in the Amendment filed 28 May 2009 for traversing the same rejections in the Office Action dated 29 January 2009. These arguments are being presented again because the distinctions of Applicants' claims from the cited prior art are clear and the logic is sound.

In the second portion of these Remarks, Applicants rebut the Response to Arguments advanced by the Examiner in the Office Action dated 13 August 2009.

### Claim Rejections - 35 U.S.C. 103

The rejection of claims 9-16 under 35 U.S.C. 103(a) as being unpatentable over Maggenti, in view of Bensimon, is respectfully traversed for at least the following reasons:

Regarding claim 9, Maggenti neither describes nor suggests the following features that are recited in this claim (emphasis added):

1. "push-to-talk communication between a Push-to-Talk communication system (PoC) group comprising at least one member of a first communication network operated by a first network operator, and a PoC group comprising at least one member of a second communication network operated by a second network operator,"
2. "connecting the at least one member of the PoC-group of the first network with the members of the PoC-group of the second network for push-to-talk communication," and
3. "synchronizing the PoC application servers of the respective networks so that the group members of both networks are known to both operators."

Paragraph 32 of Maggenti teaches away from push-to-talk communication between a PoC group of members in one network and a PoC group of members in a different network. This paragraph states:

The term "net" denotes a group of communication device users authorized to communicate with each other. Generally, a central database contains information identifying the members of each particular net. More than one net may operate in

the same communication system. For instance, a first net may be defined having ten members and a second net may be defined, having twenty members. The ten members of the first net can communicate with each other, but generally not to members of the second net. In other situations, members of different nets are able to monitor communications between members of more than one net, but are only able to transmit information to members within their own net.

Referring to the last sentence of paragraph 32, members of a network that are not able to transmit information to members of another network are not connected for push-to-talk communication with the members of the other network even if they can monitor communications in the other network.

There is no disclosure in Maggenti from which it can be inferred that the different “nets” mentioned in paragraph 32 are operated by different operators. The only network described in the detailed description and/or shown the drawing is a single network containing a plurality of communication devices (CD), to wit, CDs 12, 14, 16, and 17 shown in FIG. 1, and CDs 108, 112, and 116 shown in FIG. 2.

Maggenti neither teaches nor suggests any motivation for providing push-to-talk communication between members of different communication networks that are respectively operated by different operators, as recited in claim 9.

In addition, neither Maggenti nor Bensimon teaches or suggests any motivation for “synchronizing the PoC application servers of” different “networks so that the group members of both networks are known” to respectively different operators of the different networks, as recited in the last paragraph of amended claim 9.

Regarding claim 10, Maggenti neither describes nor suggests the following features that are recited in this claim (emphasis added):

1. “push-to-talk communication between a group of members of an existing push-to-talk communication session within a first communication network operated by a first network operator, and a group of at least one member of an additional communication network operated by a second network operator, by using a Push-to-Talk over a communication system (PoC) application server in each communication network,”

2. “connecting the additional group to the existing group of the session for push-to-talk communication,” and
3. “synchronizing the PoC application server of the additional group to the application server of the existing group of the session so that the group members of the additional network are known to both operators and the group members of the existing group are known to the first operator but not to the second operator.”

Paragraph 32 of Maggenti teaches away from push-to-talk communication between a PoC group of members in one network and a PoC group of members in a different network. To reiterate, paragraph 32 states:

The term "net" denotes a group of communication device users authorized to communicate with each other. Generally, a central database contains information identifying the members of each particular net. More than one net may operate in the same communication system. For instance, a first net may be defined having ten members and a second net may be defined, having twenty members. The ten members of the first net can communicate with each other, but generally not to members of the second net. In other situations, members of different nets are able to monitor communications between members of more than one net, but are only able to transmit information to members within their own net.

Referring to the last sentence of paragraph 32, members of a network that are not able to transmit information to members of another network are not connected for push-to-talk communication with the members of the other network even if they can monitor communications in the other network.

There is no disclosure in Maggenti from which it can be inferred that the different “nets” mentioned in paragraph 32 are operated by different operators. The only network described in the detailed description and/or shown the drawing is a single network containing a plurality of communication devices (CD), to wit, CDs 12, 14, 16, and 17 shown in FIG. 1, and CDs 108, 112, and 116 shown in FIG. 2.

Maggenti neither teaches nor suggests any motivation for providing push-to-talk communication between members of different communication networks that are respectively operated by different operators, as recited in claim 10.

In addition, neither Maggenti nor Bensimon teaches or suggests any motivation

for “synchronizing the PoC application server” of different networks “so that the group members of the additional network are known to both operators and the group members of the existing group are known to the first operator but not to the second operator,” as recited in the last paragraph of amended claim 10.

Regarding claim 15, Maggenti neither describes nor suggests the following features that are recited in claim 15 (emphasis added):

1. a “system for operating push-to-talk communication between push-to-talk groups of at least two communication networks operated by different operators,”
2. a “system for connecting at least one member of a PoC-group of a first said network with members of a PoC-group of a second said network for push-to-talk communication,” and
3. “push-to-talk communication application server for each of the first and second networks, with the servers being synchronized so that the group members of the first network are known to both operators and the group members of the second network are known to at least the second operator.”

Paragraph 32 of Maggenti teaches away from push-to-talk communication between a PoC group of members in one network and a PoC group of members in a different network. For convenience, we once again set out paragraph 32:

The term "net" denotes a group of communication device users authorized to communicate with each other. Generally, a central database contains information identifying the members of each particular net. More than one net may operate in the same communication system. For instance, a first net may be defined having ten members and a second net may be defined, having twenty members. The ten members of the first net can communicate with each other, but generally not to members of the second net. In other situations, members of different nets are able to monitor communications between members of more than one net, but are only able to transmit information to members within their own net.

Referring to the last sentence of paragraph 32, members of a network that are not able to transmit information to members of another network are not connected for push-to-talk communication with the members of the other network even if they can monitor communications in the other network.

There is no disclosure in Maggenti from which it can be inferred that the different “nets” mentioned in paragraph 32 are operated by different operators. The only network described in the detailed description and/or shown the drawing is a single network containing a plurality of communication devices (CD), to wit, CDs 12, 14, 16, and 17 shown in FIG. 1, and CDs 108, 112, and 116 shown in FIG. 2.

Maggenti neither teaches nor suggests any motivation for providing push-to-talk communication between members of different communication networks that are respectively operated by different operators, as recited in claim 15.

In addition, neither Maggenti nor Bensimon teaches or suggests any motivation to have a server for synchronizing PoC application servers of different networks “so that the group members of the first network are known to both operators and the group members of the second network are known to at least the second operator,” as recited in the last paragraph of amended claim 15.

Further regarding each of independent claims 9, 10, and 15, Bensimon describes subscription sharing between a plurality of radiotelephone terminals of a radiotelephony network, wherein time slots for accessing the network are allocated to each terminal by sending a synchronization message to each terminal to synchronize the application servers of the respective terminals in accordance with the allocation of the time slots. However, Bensimon does not appear to describe or suggest either (a) any interaction between different communication networks that are respectively operated by different operators, or (b) synchronizing push-to-talk application servers of different communication networks operated by different operators so that the members of the different networks are known to the different operators in the different combinations respectively recited in the last paragraphs of independent claims 9, 10, and 15.

In addition, the Examiner’s assertion of obviousness is not supported by the teachings of the applied references because not all of the features attributed to Maggenti and Bensimon by the Examiner are taught or suggested by these two references, as pointed out in the preceding paragraph and in the above discussion regarding the features of claims 9, 10, and 15 that are not taught by Maggenti.

Regarding claims 11 and 12, which depend from claims 9 and 10, respectively, Bensimon does not teach that the synchronization of the time slots is carried out



automatically, as required by these claims. In paragraph 21, cited by the Examiner, Bensimon states merely that “each application server is synchronised with the synchronisation servers by sending a synchronisation message from the synchronisation servers to each application server.”

Regarding claims 13 and 14, which depend from claims 10 and 9, respectively, Bensimon does not teach that “the synchronization is carried out whenever a user requests update of all group members of the PoC groups before sending a PoC message,” as required by these claims. Bensimon does not discuss updating synchronization whenever a user requests an update of all members of a group before sending a message. In paragraph 23, cited by the Examiner, Bensimon merely discloses allocation by a synchronization server to a terminal of a data transmission time for exchanging data with an application server when the terminal is in a time slot where it is connected to a radiotelephony network and a data transmission time is requested by the terminal from the synchronization server.

Regarding claim 17, which depends from claim 10, Maggenti neither describes nor suggests the step of identifying the PoC application server of an additional group by an address derived from a group address assigned to the additional group as required by claim 17. The Examiner asserted that this step is taught by paragraph 45 of Maggenti and that the “address” limitation of this step reads on any of the information pertaining to individual net members as well as to each defined net maintained by CM 18. The Examiner’s assertion is not supported by the context of paragraph 45 of Maggenti, which states:

CM 18 maintains one or more databases for managing information pertaining to individual net members as well as to each defined net. For example, for each net member, a database may comprise information such as the user name, account number, a telephone number, or dial number, associated with the member's CD, a Mobile Identification Number assigned to the CD, the current member's status in the net, such as whether the member is actively participating in the net, a priority code for determining how the transmission privilege is assigned, a data telephone number associated with the CD, an IP address associated with the CD, and an indication of which nets the member is authorized to communicate. Other related

types of information may also be stored by the database with respect to each net member.

It is submitted that the disclosure in paragraph 45 of Maggenti of a database containing an IP address associated with a CD (communication device) does not describe or suggest identifying the PoC application server of an additional group by an address derived from a group address assigned to the additional group, as required by claim 17.

Claims 11 and 14, which depend from claim 9, are also allowable for at least the same reasons as set forth above for the allowability of claim 9.

Claims 12, 13, and 17, which depend from claim 10, are also allowable for at least the same reasons as set forth above for the allowability of claim 10.

Claim 16, which depends from claim 15, is allowable for at least the same reasons as set forth above for the allowability of Claim 15.

#### **Rebuttal of Examiner's Response to Arguments**

The issues arising from the assertions made by the Examiner in the "Response to Arguments" portion of the Office Action dated 13 August 2009 are as follows:

1. Whether Maggenti teaches push-to-talk communication between push-to-talk groups of at least two communication networks operated by different operators. This feature is required by each of independent claims 9, 10, and 15.
2. Whether Maggenti discloses or suggests that the group members of both networks are known to both operators. This feature is required by independent method claim 9.
3. Whether Maggenti discloses or suggests both that the group members of an additional network are known to both operators and that the group members of an existing group are known to one operator but not to the other operator. This feature is required by independent method claim 10.

4. Whether Maggenti discloses or suggests that the group members of a first network are known to both operators and the group members of a second network are known to at least one of the operators. This feature is required by independent apparatus claim 15.

5. Whether any of the respective combinations of group member knowledge recited in independent claims 9, 10, and 15 would have been an obvious result of combining the teachings of Maggenti and Bensimon.

Regarding Issue 1, in the Response to Arguments portion of the Office Action of 13 August 2009, the Examiner asserted that the first operator of a first network in the system disclosed by Maggenti is the BSC/MSR/IWF 28 and that the second operator of a second network in the system disclosed by Maggenti is the communication manager 18 (CM 18). This is not a reasonable interpretation of the disclosure of Maggenti as required by MPEP 2111. There is no disclosure in Maggenti that suggests that BSC/MSR/IWF 28 and CM 18 operate separate networks. In the examples described by Maggenti, BSC/MSR/IWF 28 and CM 18 cooperate in the operation of the same network. Maggenti is silent as to whether or not the different nets described in paragraph 32 (quoted above) are operated by different operators. There is no basis in the record for such an assumption.

Regarding Issues 2, 3, and 4, in the above-identified Response to Arguments, the Examiner failed to rebut Applicants' assertions that Maggenti neither discloses nor suggests that the respective recitations of independent claims 9, 10, and 15 specifying which group members of the different networks are known to which operators. The Examiner's attempt at rebuttal, beginning at line 7 on page 8 of the Office Action, fails for at least the following reasons:

- All of the signaling disclosed by the cited portions of Maggenti takes place in the same network. FIG. 2 merely illustrates how CDs interact with a communication manager CM 104 in a single network.
- The NBS media signaling of group member knowledge asserted by the Examiner as a basis for his rebuttal is not disclosed in the cited portions of Maggenti, but



instead appears to be speculation by the Examiner as to how group member knowledge might be communicated. Rejections cannot be founded upon speculation.

- The attempted rebuttal is inconsistent because the Examiner asserts that Maggenti paragraphs 52 and 54 and FIGS. 1 and 2 teach situations of group member knowledge that are inconsistent, in that the group member knowledge specified in claim 9 is inconsistent with the group member knowledge specified in claim 10.

Regarding Issue 5, in the Response to Arguments, the Examiner merely asserted that it “would have been obvious ... to modify Maggenti ... as taught by Bensimon, for the purpose of enhancing and increasing system efficiency by introducing the concept of synchronization and making a connection between the additional server and the existing server.” The Examiner did not explain why synchronizing PoC servers of different networks so that the various combinations of group member knowledge respectively recited in independent claims 9, 10, and 15 would have been an obvious result of combining the teachings of Maggenti and Bensimon.

In the Response to Arguments the Examiner failed to respond to the following points of argument that were set forth in the Amendment filed 28 May 2009 and repeated herein:

- Applicants’ argument that Paragraph 32 of Maggenti teaches away from push-to-talk communication between a PoC group of members in one network and a PoC group of members in a different network.
- Applicants’ argument that Maggenti neither teaches nor suggests any motivation for providing push-to-talk communication between members of different communication networks that are respectively operated by different operators.
- Applicants’ arguments regarding the dependent claims.
- Applicants’ argument that the Examiner’s assertion of obviousness is not supported by the teachings of the applied references because not all of the features attributed to Maggenti and Bensimon by the Examiner are taught by these two references.

## Conclusion

It is apparent from the forgoing Rebuttal portion of this paper that the Examiner's response to Applicants' arguments was incomplete and thereby inadequate to advance the prosecution of this application.


It is respectfully requested that in his response to this paper, the Examiner either allow the claims or advance prosecution of this application by responding to all of Applicant's points of arguments set forth herein and issue a non-final action so that Applicants have the opportunity to address any new issues which have not been considered as relevant.

Reconsideration and allowance of claims 9-17 are respectfully requested. Should any issues remain unresolved, Examiner Jain is invited to telephone the undersigned attorney.

Respectfully submitted,

Stephan BLICKER et al.

The Maxham Firm  
A Professional Corporation  
9330 Scranton Road, Suite 350  
San Diego, California 92121  
Telephone: (858) 587-7659  
Facsimile: (858) 587-7658

By:  Lawrence A. Maxham  
Attorney for Applicants  
Registration No. 24,483